

# The psychology of crime

A social science textbook

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# Contents

Preface	<i>page xi</i>
PART I DESCRIPTION	1
1 Offences	3
1.1 Definitions	3
1.2 The index crimes	6
1.3 Other offences	12
1.4 Other categories of crime	15
1.5 Historical trends in crime	22
1.6 How much crime: methods	23
1.7 How much crime: results	30
1.8 International comparisons	36
2 Offenders and victims	42
2.1 Offenders: methods of study	42
2.2 Offenders: results	53
2.3 Victims	73
3 The police	80
3.1 History	80
3.2 Police functions	82
3.3 Police effectiveness	88
3.4 Police discretion	90
3.5 The police as people	95
4 The courts	105
4.1 The trial	105
4.2 The sentence	123
4.3 The insanity defense	132

PART II	EXPLANATION	137
<b>5</b>	<b>Biological factors</b>	139
5.1	Anatomical correlates	139
5.2	Sex differences	141
5.3	Chromosomal abnormalities	144
5.4	Genetic inheritance	146
<b>6</b>	<b>Individual differences</b>	154
6.1	Intelligence	154
6.2	Personality	157
6.3	Mental disorder	171
<b>7</b>	<b>Childhood development</b>	184
7.1	Introduction	184
7.2	Moral development	184
7.3	Training children	188
7.4	Families and crime	195
7.5	Childhood variables and crime	201
7.6	Schools	205
7.7	Peers	209
7.8	The media and crime	212
<b>8</b>	<b>Social and economic theories and factors</b>	218
8.1	Introduction	218
8.2	Sociological theories of crime	219
8.3	Cultural influences	234
8.4	Community	239
8.5	Ethnicity	243
8.6	Economic factors	251
<b>9</b>	<b>The cognitive-behavioral approach</b>	262
9.1	Introduction	262
9.2	Social learning theory of crime: a general framework	264
9.3	Crimes against property	283
9.4	Offences against persons	291
9.5	Rational choice theory	311
9.6	Cognitive-behavioral approaches: appraisal	319
9.7	Concluding comment	327

PART III	CONTROL	329
<b>10</b>	<b>The penal system</b>	331
10.1	Methods of punishment	331
10.2	Outcomes	337
10.3	Alternative methods of punishment	347
10.4	The death penalty	350
10.5	Incapacitation	353
10.6	Prison populations	356
10.7	The prison: setting and problems	361
10.8	Prediction	372
10.9	Concluding comment	379
<b>11</b>	<b>The treatment of offenders</b>	380
11.1	Introduction	380
11.2	General reviews	381
11.3	Methods: psychotherapeutic and allied approaches	382
11.4	Methods: the behavior therapies	385
11.5	General issues	401
<b>12</b>	<b>Crime prevention</b>	410
12.1	The police	410
12.2	Surveillance	411
12.3	Self-protection	416
12.4	Hardening the target	418
12.5	Environmental design	419
12.6	Crime prevention: problems and issues	421
12.7	Concluding comment	423
PART IV	SUMMARY	425
<b>13</b>	<b>Summary</b>	427
13.1	Description (Section I)	427
13.2	Explanation (Section II)	433
13.3	Control (Section III)	444
	References	450
	Author index	509
	Subject index	521

# 1. Offences

No national characteristics, no political regime, no system of law, police, justice, treatment or even terror, has rendered a country exempt from crime . . . scarcely any can claim to have checked its accelerating momentum  
(Radzinowicz and King 1977, p. 15).

This chapter, the first of four on the criminal justice system, falls into two sections: the first gives a qualitative description of the major groups of crime, from the Index offenses to political crimes, concluding with a brief historical overview; the second is quantitative, setting out the methods used to measure the total volume of crime and the results obtained – which must be treated with caution. The major emphasis throughout is on the USA, but some relevant international comparisons are made. A brief final section introduces the very difficult question of the costs of crime.

## 1.1. Definitions

### *Crime*

There is no single definition of crime acceptable to all. In effect, a crime is anything forbidden or punishable by the criminal justice system. “A crime is an act that is capable of being followed by criminal proceedings, having one of the types of outcome (punishment, etc.) known to follow these proceedings” (Williams 1961, p. 21). This is circular, but it is clear-cut and is the essential starting point, whether we want to make comparisons between groups or to ask if the current criminal law should be expanded or contracted.

It has been argued (e.g., Quinney 1974) that the criminal law is imposed by the group in power, so that the law is a series of general

#### 4 Description

commands backed by coercive threats. The law is then a weapon to maintain the domination and privileges of a few over the many. An extreme example of this is the slave-owning system, once common in the USA. It was not a crime if the slave owner assaulted or killed the slave; it was one if the slave resisted or absconded (and those who helped him to do either also broke the criminal law). In South Africa it was for many years a crime for a black to live in a white area. Thus, by analogy, the current laws of theft are designed to protect the property of the rich from the poor. But there are problems with this view. First, the poor are much more likely to be the victims of crimes against property and persons: they are easier targets. Second, it is widely held that people have the right to disobey laws they see as cruel and oppressive. In World War 2, many Europeans risked their lives to hide the victims of the Nazis, and for many years Russian citizens were consigned to slave labor camps for asking for free speech.

Nevertheless, there is much common ground. Both in the capitalist West and the still-communist parts of the East, practically all societies disapprove of certain behaviors, prominent among which are murder, rape and theft (Lemert 1972). Differences are found, but in the procedures for dealing with offences, and in methods of interrogation, rather than in the definition of crime (a convicted thief in some Moslem countries loses a hand; suspects are routinely tortured in many countries).

The core of criminal law is the same, but the border moves. Here we come to the so-called *victimless offences*. In addition to protecting property and persons, the criminal law has been used also to direct the behavior of private individuals in situations usually termed "moral – to do with drink, drugs, sex and gambling. In a hesitant and partial way there have been some contractions of the criminal law in these areas. Suicide, and attempted suicide, homosexual behavior between consenting adults, adultery and prostitution have all been wholly or partially removed from the criminal law, as have gambling (in some Western countries though not the USA) and abortion. All of these are examples of decriminalization. In some countries, such as The Netherlands, the use of the drug marijuana, has also been removed, in large part, from the criminal law. That the USA seems unlikely to follow quickly is indicated by the case of Judge Douglas Ginsburg, nominated in November, 1987, to the US Supreme Court by President Reagan. Initially seen as an exemplar of legal conservatism, he admitted to using marijuana in the 1960's and his nomination was withdrawn.

As some offences are decriminalized others join the body of those proscribed – essentially as societies become more complex and government regulations increase (Radzinowicz and King 1977). The invention of the internal combustion engine led to whole new classes of offence: speeding, drunken and dangerous driving, and even failure to wear a seat belt. There are other examples: with increasing affluence, humanitarian concerns led to laws penalizing the neglect, or abuse, of children, of animals and of employees. Scientific and industrial advances resulted in laws covering fraud by credit card, marketing incompletely tested, eventually dangerous, drugs or food products and the betrayal of industrial secrets.

A crime is some act or omission in respect of which legal punishment may be inflicted. But, that is not the end of the story. The age and state of mind of the offender must also be taken into consideration. If, for example, a person is killed or injured by another, the killing or injury would not be criminal if the aggressor were too young, too deranged or too weak-minded to form the kind of intention that would render him liable to punishment.

And there is a further complication. Victims of offences which have the characteristics of robbery, rape or burglary may not wish to report their experience to the police. If these incidents do not come to light in any other way, by police activity, for example, or by the reports of witnesses, they remain without formal definition as crime. In effect, crime does not exist. A further stage in the process of crime creation is the acceptance or rejection by law-enforcement agencies of reports of crime; a sizeable proportion of reported offenses never reach the official statistics. Both types of omission are discussed in this chapter.

Public opinion plays an important part in defining the boundaries of the criminal law and in the sentencing policy of the courts. Over the past decade, crime and lawlessness have been consistently mentioned as the first, second or third issues about which the American people are most concerned (Roper Organization 1985). A cross-cultural survey by Scott and Al-Thakeb (1980) indicated that representative samples in seven Western countries and Kuwait recommended the severest penalties for violent crime, followed by drug offenses. The Kuwaitis were the most severe overall, with Americans more punitive than other Western respondents.

Within the USA, Wolfgang (1985) measured seriousness scores for a range of offences. A national sample regarded violent crimes as more serious than property offences. They also took white collar crimes and



drug offences seriously. One of the highest scores (39.1) was given to a factory causing the death of 20 people by knowingly polluting a city water supply. Running a narcotics ring (33.8) was seen as more serious than skyjacking (32.7), and selling heroin for resale (20.6) was more serious than rape if the victim's injuries did not need hospitalization. There was general agreement as to specific crimes but there were exceptions: blacks and other minority groups gave lower average scores than whites, and victims gave higher scores than nonvictims. The above finding concerning white collar crime is supported by Cullen, Mathers, Clark, and Cullen (1983) in a survey carried out in Illinois.

### *Criminal*

It is convenient, though not entirely satisfactory, to say that a criminal is simply a person who has committed a crime; the word suggests a continuing series of behaviors, though the terms "habitual", "persistent", "recidivist", and, increasingly, "high-rate", are used for the more frequent offenders. In the USA, "delinquent" and "delinquency" are used in the context of juvenile offenders (typically under 18). This book uses frequently the term "criminal behavior" to refer to all the events associated with an act legally defined as a crime.

## **1.2. The index crimes**

The Federal Bureau of Investigation receives reports on crime statistics from law enforcement agencies covering more than 95 per cent of the total US population. (The considerable difficulties with official statistics are discussed later in this chapter.)

Prior to 1958, the Federal Bureau of Investigation listed crimes under two broad categories: Part I and Part II Crimes. The former were "major" or serious; Part II were "lesser". Since 1958, the FBI has concentrated on Part I crimes because they establish an index to measure the trend and distribution of serious crime in the USA – hence the term "Index offences". They are considered to be those likely to be reported to the police, and are further divided into Violent crime (murder and nonnegligent manslaughter, aggravated assault, forcible rape and robbery) and Property crime (burglary, larceny-theft and auto-theft). Table 1.1 sets out the definitions of Index offenses (Federal Bureau of Investigation 1976). Arson has been added as an eighth

Table 1.1. *Definitions of FBI Index crimes*

Index crimes	Definitions
Murder and nonnegligent manslaughter	Murder is defined as the wilful killing of another. The classification of this offense, as well as of other Index crimes is based solely on police investigation, as opposed to the determination of a court or other judicial body.
Aggravated assault	The unlawful attack by one person upon another for the purpose of inflicting severe bodily injury, usually accompanied by the use of a weapon or other means likely to produce death or serious bodily harm. Attempts are included, since it is not necessary that an injury result when a weapon is used which could result in serious injury if the crime were successfully completed.
Forcible rape.	The carnal knowledge of a female through the use of force or threat of force. Assaults to commit forcible rape are also included.
Robbery	The stealing or taking of anything of value from the care, custody or control of a person in his presence, by force or the threat of force. Assault to commit robbery and attempt at robbery are also included.
Burglary	The unlawful entry of a structure to commit a felony or theft.
Larceny-theft	The unlawful taking of property without the use of force, violence or fraud. Includes shoplifting, pocket-picking and purse-snatching.
Motor vehicle theft	The unlawful taking or stealing of a motor vehicle, including attempts.

Source: *FBI Uniform Crime Reports*. US Department of Justice, Washington, DC, 1976 (adapted from Nietzel 1979, p. 20).

Index offence, but too recently to figure in analyses of trends. Arrest information is still reported for Part II offences, which include forgery and fraud, prostitution and driving under the influence of drink, as well as drug offenses and child molestation, which the general public would certainly regard as "serious".

In the USA, Index offenses reported to the police regularly exceed ten million per year and 1 in 20 inhabitants. For reasons which will become clear later, the precise quantitative data for Index offenses, for both totals and individual offenses, are less important than broad

comparisons between years, between offenses, and between the USA and other countries. The annual rate for property offenses rose sharply in the 1960's and early 1970's before stabilizing and then falling somewhat in the 1980's. The rise in annual rates for person offenses continued rather longer, until about the end of the 1970's, before stabilizing and falling slightly. The complex reasons for these shifts are discussed later in this chapter.

Arrests for Index offenses represent only about one fifth of all non-traffic arrests; one in every three such arrests is for simple public drunkenness (President's Commission 1967). Reported property crimes are ten times as frequent as reported violent crimes, but for arrests the disparity drops to about four to one, indicating the much greater chances of being arrested for violent than for property offenses (largely because the assailant is often known to the victim).

### *Homicide (murder and nonnegligent manslaughter)*

About 20,000 cases are reported to the police annually, perhaps 2 per cent of all violent crimes. American homicide rates vary greatly between different areas of the country. The highest ones, which are found in the west south central States (Oklahoma, Texas, Arkansas and Louisiana) exceed those of the lowest group (New England) by between three and four to one. There are even more massive variations within cities. In one year, out of 489 criminal homicides in Houston, Texas, over 87 per cent occurred in four areas, all located near the center of the city (Wolfgang 1985). Males are twice as likely to be homicide victims as females, males aged 25–34 are more likely than any other age group, and blacks are at least eight times as likely as whites. Offenders and victims are frequently acquainted and often live in the same neighborhood. Connected with this is the fact that almost half of all homicides occur in the home of either the offender or the victim. When strangers are killed it is most frequently during the commission of another offence such as robbery or burglary (Barlow 1981). From American figures for 1983, Goldstein (1986) concluded that about 20 per cent of murders could be linked to another crime, while 44 per cent were associated with arguments. The ready availability of guns in America and the high level of gun ownership seem related to the fact that US homicide rates are very much higher than those of Western Europe. Over half of all American murders are committed with a firearm, mainly with a handgun. The majority of reported

## 9     *Offences*

homicides are *cleared* (a perpetrator is apprehended or is identified as unapprehendable), the clearance rate being much higher than for any other Index crime.

### *Aggravated assault*

While not as well researched, the findings for assault resemble those for homicide. Over the years, assault has remained at about one half of all reported violent crimes. Both victims and those arrested are disproportionately young black males who live in the inner cities. Knives are the weapon most frequently used.

Many murders and assaults take place in family settings, with the victims frequently being wives (or other cohabitees) and young children. While official data on family homicides may be reasonably accurate, they are likely to understate very considerably the true level of assaults on wives and children. Many assaulted wives fail to complain because of fear of reprisal. Young children are incapable of complaining, and neighbors hesitate to interfere. American data suggest that assaults on wives occur in one couple in 25, at an average frequency of nearly twice per year (Gardner and Gray 1982). For child assault, the true figures are at least as high (Minchin 1982).

### *Forcible rape*

The key elements in the legal definition of rape are sexual intercourse and lack of consent. When force, or the threat of force, is also present, then an Index offence has resulted. Sentences are usually higher when bodily harm has been caused. Official data suggest the same sort of increases in the 1960's as for other violent offenses, but official data are extremely unreliable. The only certainties are that the number of rapes reported is on the increase but that this is still far less than the true figure. Population surveys provide an alternative source to police statistics. One survey of US households Hindelang and Davis (1977) suggested a figure of 315 per 100,000 (at least ten times higher than the official figure). But, even this is probably much too low an estimate. An American study by Russell (1982) involved female interviewers who were carefully trained and then matched with a random sample of interviewees for race, age, and class. Forty four per cent of the sample reported at least one rape or attempted rape. Russell considered that less than 1 per cent was reported to the police.

There is considerable under-reporting for most offences (see below) but that for rape is particularly massive, for the following reasons: fear of the assailant returning and repeating the assault; a desire not to go through further humiliation and distress (there is a good deal of information available to women as to the unpleasantness of police and medical interviews and examinations); the fear of being probed and not believed by their own families and friends; and the potential distress of a lengthy appearance in court. While the official aspects of this listing have improved in recent years (helping to account for increases in reporting rates), it remains true that rape is still kept hidden by the great majority of victims (Feldman 1987).

Both rape offenders and victims tend to be under 25, and of the same race. (Arrest and victim surveys agree that about 20 per cent of offenders are adolescents, Davis and Leitenberg 1987.) Blacks are over-represented, both as victims and as assailants. The single most common setting for the assault is a home, usually the victim's. Most rapists are unarmed, but when a weapon is carried it tends to be a knife (McDermott 1979). McDermott also concluded that most victims sustained some form of injury. The extent of injury may depend in part on the motivation for the rape (discussed in Chapter 9).

### *Robbery*

The history of robbery goes back thousands of years, being mentioned in the earliest criminal codes. It involves the actual or threatened use of violence to deprive the victim of things of value – money, goods or services. In medieval and later times robbers became romanticized in the stories of Robin Hood and of a series of highwaymen, and many Hollywood films have depicted American robbers from Jesse James to *Bonnie and Clyde*.

Reported robberies comprise about 40 per cent of Index violent crimes. There are wide differences between robberies: in location (from the street to a bank); in method (physical force alone or possession of a weapon); in the type of weapon where one was used (gun or knife); and in the amount of monetary loss (from a few dollars to many thousands of dollars). A number of studies (e.g., Conklin 1972, Sagalyn 1971) indicate several general features of recorded robberies in America: more than one half take place in the open (in streets and parking lots, etc.); rates are highest in the larger cities and lowest in rural areas; they tend to be carried out by young males (15–25) on males, usually over

## 11 *Offences*

21, who are strangers to them; the robber is in possession of a weapon, but this is usually used to coerce and victims tend not to be injured.

Henderson (1986) has distinguished between two situations in which violence occurs in the course of stealing. In the first it is simply instrumental in achieving the goal of obtaining money, and offenders report a lack of emotion. The second can be described as a "burglary gone wrong": the offender has entered a home intending to steal without coming into contact with the householder, but does so, loses control and hits out; what was intended as a simple burglary may escalate to murder.

### *Burglary*

About 30 per cent of property offenses take the form of burglary. As perhaps three million per year are reported in the USA annually and a further large number go unreported, it is a relatively common crime. Burglary is an experience which many victims find frightening, both in actuality and in prospect.

Burglaries are more likely in the poorer areas of inner cities than in wealthier ones, despite the greater rewards of the latter, because of their greater proximity to potential offenders as well as the homes concerned being typically less well defended. Offenders range from relatively unskilled, usually young, "amateurs" to skilled and experienced professionals. Research (e.g., Scarr 1973) suggests that: burglaries are more likely to involve residences than commercial establishments; most losses are of cash or items easily convertible into cash; they take place mainly when owners are away (at night in shops, etc., by day in private homes); and most involve forced entry, particularly those carried out by amateurs. Of those arrested, blacks are over-represented, but less so than for violent offenses.

### *Larceny-theft*

This is the most frequent of all the Index crimes, accounting for nearly 60 per cent of property offenses annually. Many states treat theft under \$50 as petty and therefore to be excluded from the Index offences. There is very considerable under-reporting for theft, so that the clearance rate of somewhat below 20 per cent for reported Index theft considerably overstates the chances of being caught. As we shall see in Chapter 2 probably a majority of the population has stolen at least

## 12 *Description*

once; the vast preponderance goes unpunished. Hence, "thieves" range from most average citizens, who can recall the occasional theft as a teenager, to skilled adult professionals who derive most or all of their income from theft. Of the many varieties of theft, shoplifting is perhaps the most widespread, particularly since the advent of the self-service shop.

### *Motor-vehicle theft*

Because the FBI and many states include within this category taking a vehicle against its owners' wishes or knowledge for a short period (known as "joy-riding") it is impossible to know what proportion of the published figures for this offence actually refers to stealing for gain. The same problem makes equally impossible the assessment of clearance rates. But motor-vehicle thefts do demonstrate the close relationship between the total number of an item, and the ease of access to it, and the frequency with which that item is stolen (or "borrowed" as the case may be): vehicle thefts rise as the number of cars in circulation increases, until some major new barrier to theft, such as steering wheel locks, is introduced, at which point the rate falls (Clarke 1980).

### **1.3. Other offences**

This section reviews two nonIndex crimes which cause great public concern – child molestation and drug offences – and several major categories of crime which, together, involve much greater financial costs than the Index offences combined, as well as much social damage. These are organized crime and the so-called "white collar" crimes (occupational and corporate offenses), and political offenses.

#### *Child molestation*

The term molestation implies an act of unwanted sexual intrusion, if not of actual physical aggression, against a person aged under 16. The degree of intrusion varies from fondling to a physical assault in excess of the forcefulness necessary to secure a sexual goal with an uncooperative victim. Child molestation includes sexual involvement with close family members, such as parents or siblings, when it is termed incest, and with people outside the immediate family, when it is given the medical term pedophilia. Molestations may be either heterosexual

### 13 *Offences*

(the assailant and the victim are of opposite sexes) or homosexual (both are of the same sex). In almost all cases the adult concerned is a male.

Much less research has been carried out into incest than into pedophilia, but even in the case of the latter the bulk of work on assailants has been on convicted offenders (see Marshall and Barbaree 1989, for a review). A British study by Wilson and Cox (1983) of members of a pedophile organization found that nearly three-quarters worked with young children (*not* the same as saying that three-quarters of those so employed are pedophile!). Marshall and Christie (1981) found that 58 per cent of a sample of incarcerated child molesters had physically abused their victims in excess of the force necessary to secure sexual goals with an unco-operative victim; 25 per cent of a group of outpatient child molesters had used similar gratuitous violence (Marshall 1982).

There appear to be no separate official figures for child molestation, but it would be safe to regard them as a major underestimate even if they were available. An American survey (Finkelhor 1979) found that 19.2 per cent of women students and 8.6 per cent of males reported a sexual contact with an adult during their childhood. Their first such experience most usually took place between the ages of 8 and 12; the great majority were never mentioned to anyone by the children at the time. A comprehensive review of research by Browne and Finkelhor (1986) found clear evidence that many victims suffer both short- and long-term emotional damage.

Arrest and victim surveys indicate that at least 30 per cent of all offenders are adolescents, and 50 per cent of adult sexual offenders against children reported that their first such offense was during adolescence (Davis and Leitenberg 1987).

#### *Drug offenses*

Criminologists use the term drug to refer to any psychoactive substance (one having the capacity to alter mental states and hence to influence human activity, Barlow 1981). This definition includes alcohol, nicotine and caffeine, as well as barbiturates and tranquilizers, in addition to the substances now the focus of the criminal law (principally, marijuana, cocaine and heroin).

From 1919 to 1933, the USA banned the manufacture, supply and use of alcohol. In the years of alcohol Prohibition the law was flouted widely by the population in general, and a network of illegal manufac-



turers and distributors sprang up. The major beneficiaries of Prohibition may have been organized crime groups (see below). At the same time there was an undoubted fall in alcohol related problems of all kinds, but finally the arguments for decriminalization won out. There are still restrictions on the sale of alcohol to minors, but these seem to have general public support.

From 1914, similar restrictions have been in force in the USA on opium and its derivatives. Prior to that date, between 1 and 4 per cent of Americans were regular users of opiates, often in the form of patent medicines such as Mrs Winslows Soothing Syrup (Brecher 1972). For the most part they were middle-aged, middle-class white women: the group which now uses barbiturates (Goode 1972).

According to *The Economist* (1989a) Americans consume proportionately more drugs than people in other industrialized countries. At the time of writing, about 30 million were taking an illegal drug of some kind fairly regularly (about 18 million smoke marijuana, 5 to 6 million ingest cocaine; a stable, and ageing, half million are stuck with heroin or its substitutes; and the remainder are on a mixture of chemical pills and powders). Large numbers have tried drugs at least occasionally, with cocaine and its derivatives rising rapidly in popularity. However, the rate of increase in drug use may be slowing, and the hard core of addicts (those physically dependent on a drug) may not be much more than 2 million (one-quarter million on heroin, and most of the rest on cocaine). The middle classes seem to be turning away from drugs, much as they have rejected both cigarettes and alcohol. The main current problem is the person who has become addicted to cocaine, or to crack (cocaine mixed with baking soda and water and costing little more than the price of a cinema seat). Crack goes straight to the central nervous system, triggering an instant short-lived potent reaction so that the smoker seeks a rapid repetition.

Such addicts seem increasingly to be the poor and the poorly educated. The social characteristics of those calling a cocaine help-line changed markedly between 1983 and 1987: the university educated fell from 50 per cent to 16 per cent and the unemployed rose from 15 per cent to 55 per cent (*The Economist* 1989a). This implies that addicts are increasingly likely to support their habit (despite the relatively low price of crack) by criminal means. Even several years ago (Moore 1983) drug users were disproportionately represented among those arrested for street crimes, viz. robbery, assault, and burglary; among heroin users, crime levels were correlated with levels of drug use. Also, as the

cocaine supply outstrips the demand, gangs battle for the “franchises”, so that in 1988 Washington had a record number of murders, more than half drug-related (*The Economist* 1989a).

A complex international network is involved in the supply of drugs such as cocaine. Peasant farmers in Columbia and other third world countries sell their crops to middlemen who pass them on to large scale operators for smuggling into the US by means ranging from backpacks to light planes, and finally into the hands of pushers, the small-time salesmen who supply users and addicts. Of all the links in the supply chain, it is the pusher who is the most visible to enforcement agencies. At the present time, the US administration is mounting a major campaign against drugs. It seems likely to have the same limited amount of directly attributable success as previous such efforts, not because of incompetence or lack of effort, but because the use of drugs (the end point of the entire enforcement enterprise) is essentially a victimless offence. (The police rarely have an aggrieved complainant so that law enforcement is extremely difficult and depends heavily on informants and undercover agents.)

American public opinion is very concerned about drugs such as marijuana and cocaine, and supportive of strong enforcement practices. There is as yet little backing for extending to drugs the kind of legalization which, overnight in 1933, removed tens of millions of alcohol users from the sanctions of the criminal law.

#### **1.4. Other categories of crime**

This section deals with another way of looking at the descriptive literature on crime, turning from individual offenses to general categories: organized crime, occupational and corporate offenses, and political crimes.

##### *Organized crime*

The general public knows the term well: it evokes a series of colorful characters, mainly, though not exclusively, of Italian origin: Al Capone and “Legs” Diamond in the thirties and, more recently, Vito Genovese and “Lucky” Luciano. A string of Hollywood films, such as *The Godfather 1* and *11*, *Prizzi's Honor* and *Married to the Mob* depict mobsters as amusing, even loveable, and certainly as vital and exciting. The “mob” seems as much a part of the American scene as Halloween and spring baseball training.